

**TERMINAL DISCLAIMER TO OBVIATE A PROVISIONAL DOUBLE  
PATENTING REJECTION OVER A PENDING SECOND APPLICATION**

Docket No.

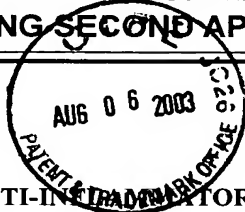
PG4709

In re Application of: **BIGGADIKE, et. al.**

Application No. **10/066,964**

Filed: **02/04/2002**

For: **FORMULATION CONTAINING NOVEL ANTI-INFLAMMATORY ANDROSTANE DERIVATIVES**



1093

The owner, **SmithKline Beecham Corporation** of **100.00** percent interest in the instant application hereby disclaims, except as provided below, the terminal part of the statutory term of any patent granted on the instant application, which would extend beyond the expiration date of the full statutory term defined in 35 U.S.C. 154 to 156 and 173 as shortened by any terminal disclaimer filed prior to the grant of any patent granted on pending second Application Number **09/958,050**, filed on **10/02/2001**. The owner hereby agrees that any patent so granted on the instant application shall be enforceable only for and during such period that it and any patent granted on the second application are commonly owned. This agreement runs with any patent granted on the instant application and is binding upon grantee, its successors or assigns.

In making the above disclaimer, the owner does not disclaim the terminal part of any patent granted on the instant application that would extend to the expiration date of the full statutory term as defined in 35 U.S.C. 154 to 156 and 173 of any patent granted on the second application, as shortened by any terminal disclaimer filed prior to the patent grant, in the event that any such granted patent: expires for failure to pay a maintenance fee, is held unenforceable, is found invalid by a court of competent jurisdiction, is statutorily disclaimed in whole or terminally disclaimed under 37 CFR 1.321, has all claims cancelled by a reexamination certificate, is reissued, or in any manner terminated prior to the expiration of its full statutory term as shortened by any terminal disclaimer filed prior to its grant.

Check either box 1 or 2, if appropriate.

1. ☐ For submissions on behalf of an organization (e.g., corporation, partnership, university, government agency, etc.), the undersigned is empowered to act on behalf of the organization.

I hereby declare that all statements made herein of my own knowledge are true and that all statements made on information and belief are believed to be true; and further that these statements were made with the knowledge that willful false statements and the like so made are punishable by fine or imprisonment, or both, under Section 1001 of Title 18 of the United States Code and that such willful statements may jeopardize the validity of the application or any patent issued thereon.

2. ☒ The undersigned is an attorney of record.

3. Owner/applicant is ☐ Small entity ☒ Large entity

The terminal disclaimer fee under 37 CFR 1.20(d) is **\$110.00** and is to be paid as follows:

☐ A check in the amount of the fee is enclosed.

☒ The Director is hereby authorized to charge any fees which may be required, or credit any overpayment, to Deposit Account Number **07-1392**.

PTO suggested wording for terminal disclaimer was

☒ unchanged. ☐ changed (if changed, an explanation should be supplied.)

  
Signature

Dated: **31 July 2003**

**James P. Riek**  
Registration No.: 39,009  
GlaxoSmithKline  
Corporate Intellectual Property  
Five Moore Drive  
PO Box 13398  
Research Triangle Park, NC 27709  
Telephone No.: 919-483-8022 Fax No.: 919-483-7988

I certify that this document and fee is being deposited on **8/1/03** with the U.S. Postal Service as first class mail under 37 C.F.R. 1.8 and is addressed to the Commissioner for Patents, P.O. Box 1450, Alexandria, VA 22313-1450.

  
Signature of Person Mailing Correspondence

**Ban Younan**

Typed or Printed Name of Person Mailing Correspondence

08/07/2003 WABDELRI 00000013 071392 10066964

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PATENTING REJECTION OVER A PENDING SECOND APPLICATION**

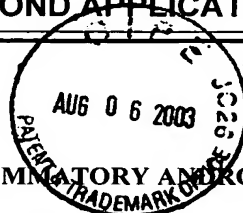
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Filed: **02/04/2002**

For: **FORMULATION CONTAINING NOVEL ANTI-INFLAMMATORY AND ANDROSTANE DERIVATIVES**



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293

The owner, SmithKline Beecham Corporation of 100.00 percent interest in the instant application hereby disclaims, except as provided below, the terminal part of the statutory term of any patent granted on the instant application, which would extend beyond the expiration date of the full statutory term defined in 35 U.S.C. 154 to 156 and 173 as shortened by any terminal disclaimer filed prior to the grant of any patent granted on pending second Application Number 10/066,951, filed on 02/04/2002. The owner hereby agrees that any patent so granted on the instant application shall be enforceable only for and during such period that it and any patent granted on the second application are commonly owned. This agreement runs with any patent granted on the instant application and is binding upon grantee, its successors or assigns.

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PTO suggested wording for terminal disclaimer was

☒ unchanged. ☐ changed (if changed, an explanation should be supplied.)

Signature

Dated: 31 July 2003

Name and Address of Person Signing

James P. Riek  
Registration No.: 39,009  
GlaxoSmithKline  
Corporate Intellectual Property  
Five Moore Drive  
PO Box 13398  
Research Triangle Park, NC 27709  
Telephone No.: 919-483-8022 Fax No.: 919-483-7988

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Signature of Person Mailing Correspondence

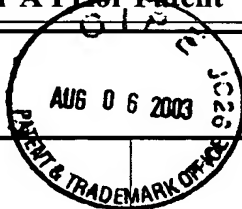
Ban Younan

Typed or Printed Name of Person Mailing Correspondence

**Terminal Disclaimer To Obviate A Double  
Patenting Rejection Over A Prior Patent**

Docket No.  
PG4709

In Re Application Of: **BIGGADIKE, et. al.**



393

Serial No.  
10/066,964

Filing Date  
02/04/2002

Examiner  
BADIO

Group Art Unit  
1616

Invention:

**FORMULATION CONTAINING NOVEL ANTI-INFLAMMATORY ANDROSTANE DERIVATIVES**

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Owner of Record:

**SmithKline Beecham Corporation**

AUG 08 2003

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TO THE COMMISSIONER FOR PATENTS:

The above-identified owner of record of a 100 percent interest in the instant application hereby disclaims, except as provided below, the terminal part of the statutory term of any patent granted on the instant application, which would extend beyond the expiration date of the full statutory term defined in 35 U.S.C. 154 to 156 and 173, as presently shortened by any terminal disclaimer, of prior Patent No. 6,537,983. The owner hereby agrees that any patent so granted on the instant application shall be enforceable only for and during such period that it and the prior patent are commonly owned. This agreement runs with any patent granted on the instant application and is binding upon the grantee, its successors and/or assigns.

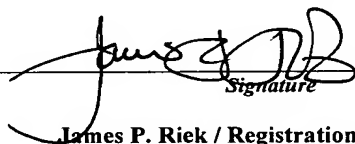
In making the above disclaimer, the owner does not disclaim the terminal part of any patent granted on the instant application that would extend to the expiration date of the full statutory term as defined in 35 U.S.C. 154 to 156 and 173 of the prior patent, as presently shortened by any terminal disclaimer, in the event that it later expires for failure to pay a maintenance fee, is held unenforceable, is found invalid by a court of competent jurisdiction, is statutorily disclaimed in whole or terminally disclaimed under 37 C.F.R. 1.321, has all claims cancelled by a reexamination certificate, is reissued, or is in any manner terminated prior to the expiration of its full statutory term as presently shortened by any terminal disclaimer.

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2. ☒ The undersigned is an attorney of record.

  
Signature

Dated: 31 July 2003

James P. Riek / Registration No.: 39,009

Typed or Printed Name

- ☒ Terminal disclaimer fee under 37 C.F.R. 1.20(d) included.  
☐ PTO suggested wording for terminal disclaimer was unchanged.  
☐ Certification under 37 C.F.R. 3.73(b) is required if terminal disclaimer is signed by the assignee.